

Zoning Administrator Hearing

Minutes



Gordon Sheffield Zoning Administrator/Hearing Officer

July 26, 2011 – 1:30 p.m.

View Conference Room, 2nd Floor
55 North Center Street
Mesa, Arizona, 85201

Staff Present

Mia Lozano-Helland
Angelica Guevara
Tom Ellsworth
Lesley Davis

Others Present

Gabriel Saia
Selene Moreno
Angel Moreno
Casil Libman
Craig Lebsack

CASES:

- Case No.:** ZA11-002
- Location:** 4210 East Main Street
- Subject:** Requesting the modification of a previously approved Substantial Conformance Improvement Permit (SCIP) to allow the redevelopment of an existing retail center in the C-2 DMP zoning district. (PLN2010-00126)
- Decision:** Approval with the following conditions:
- 1. Compliance with the site plan submitted except as modified by the conditions below.*
 - 2. Remove the outdoor seating area, or redesign to include at least 15' foundation base along the east side of the restaurant building, and ensure adequate parking.*
 - 3. Provide a pedestrian path between the buildings. The path shall be constructed of stamped concrete or pavers.*
 - 4. Screen the trash containers by providing a solid gate/wall to meet Code requirements for screening.*
 - 5. Modify the parking area south of the retail building to accommodate the turn radii needs of the fire truck and the solid waste vehicles.*
 - 6. Administrative review and approval of the modifications to the building façades.*
 - 7. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

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Summary: Gabriel Saia, 2120 E. 6th Street, Tempe AZ represented the case and explained that he had reviewed the staff report and conditions of approval. He further stated that after discussions with his architect, revisions to the site plan were made in response to the previous staff recommendations.

A brief discussion ensued regarding the modifications. Mr. Sheffield approved of ZA11-002 with staff recommendations and conditions of approval.

Finding of Fact:

- 1.1** A SCIP was previously approved (ZA08—92) for the redevelopment of an existing fire damaged restaurant. The approval included the reconstruction of the restaurant (using the existing structural elements), improvement of the existing multi-tenant building façade, enhancement of the parking field and parking lot landscaping, and replacement of a nonconforming detached sign with a conforming detached sign. The SCIP allowed for deviations in the landscape setbacks from adjacent property lines and Main Street; specifically, it allowed for the existing setbacks to remain, as an increase in the setbacks would result in a significant loss of parking and a disruption of onsite vehicular circulation. However, it also included improvements to the foundation base to meet or exceed minimum requirements adjacent to the entrance elevations of the multi-tenant building and the redeveloped restaurant, increases to the parking lot landscape areas, improved solid waste circulation, replacement of a nonconforming detached sign with a conforming sign, and greatly improved building elevations. Consequently, the improvements represented substantial compliance with current development standards.
- 1.2** For economic reasons, the site was never redeveloped. The multi-tenant retail building is currently occupied by several businesses, and the property owner was seeking a middle-ground for improving the site without having to spend significant capital. He wished to make improvements to the restaurant building so that it would not be detrimental to the overall appearance of the site, and make improvements to the multi-tenant building façade. These building improvements are not as significant as those approved in 2008, but they are improvements none-the-less. Also, the property owner wished to make no improvements to the site layout; the only site improvements will be the addition of landscape materials within the existing landscape areas, and the removal of the nonconforming sign.

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Case No.: ZA11-003

Location: 1025 West 1st Ave

Subject: Requesting a Substantial Conformance Improvement Permit to allow the expansion of an existing industrial site in the M-2 zoning district. PLN2011-00131

Decision: Approval with the following conditions:

- 1. Compliance with the site plan submitted.*
- 2. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Summary: Staff member Tom Ellsworth provided the staff report and recommendation.

Mr. Sheffield asked Craig Lebsack if he had any questions or comments to add, Mr. Lebsack responded that he did not. Mr. Sheffield approved of ZA11-003 with staff recommendations and conditions of approval.

Finding of Fact:

- 1.1** The approved Substantial Conformance Improvement Permit (SCIP) allows for the placement of a prefab paint booth within an existing industrial storage yard. The site consists of leasable area from the larger ABC Supply Co. site. The current owner operates an auto body shop out of the existing building, which is built up to the property line along 1st Avenue. The site also includes a storage yard enclosed by a 6' chain link fence along the 1st Avenue property line. Parking on site is accommodated by excess parking within the surrounding group industrial center.
- 1.2** The zoning code requires a 20' building and landscape setback along the 1st Avenue property line. The existing buildings on the site were constructed with a 0' setback with no landscaping on the site or within the adjacent right of way. In order to meet current code requirements the applicant would be required to demolish the existing structures. In order to substantially conform to this requirement the applicant is placing four (4) 15-gallon trees, sixteen (16) shrubs, and decomposed granite within the right of way landscape area in front of the CMU wall in order to substantially conform to the current landscaping requirement.
- 1.3** The zoning code also requires the screening of the storage yard from public view. The applicant will construct a 6' high screen wall with a steel rolling gate along the 1st Avenue property line in order to conform to this standard.
- 1.4** The applicant notified all property owners within 500-feet of the request and no comments or concerns were received.
- 1.5** The expansion is consistent with the character of development along the 1st Avenue frontage and will not have a detrimental impact on adjacent properties. The addition of a screen wall and landscaping along 1st Avenue will be an improvement to the character of the area.

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- 1.6** This development qualified for a Substantial Conformance Improvement Permit, as some demolition of the existing site would have to occur to bring the site into full compliance. The site improvements will generally exceed that of adjacent properties. Further, the landscaping and screen wall will improve the streetscape along 1st Avenue. As a result, the site plan, including the conditions of approval, achieves substantial compliance.

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Case No.: ZA11-004

Location: 801 East Broadway Road

Subject: Requesting the modification of a previously approved Substantial Conformance Improvement Permit to allow the redevelopment of an existing office building to a restaurant in the C-2 zoning district. PLN2011-00138

Decision: Approval with the following conditions:

- 1. Compliance with the site plan submitted.*
- 2. Compliance with all conditions of approval for BA11-024 except as modified by this approval.*
- 3. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Summary: Selene Moreno represented the case and stated that she had reviewed the staff report and conditions of approval. Ms. Moreno asked staff member Lesley Davis for an explanation of condition of approval #2. Ms. Davis responded and summarized the conditions of the previous case.

A brief discussion with ensued regarding the right-of-way. Mr. Sheffield approved of ZA11-004 with staff recommendations and conditions of approval.

Finding of Fact:

- 1.1** The applicant was approved for a modification of a Substantial Conformance Improvement Permit (SCIP) to allow the encroachment of a patio in the C-2 zoning district. A SCIP was previously approved by the Board of Adjustment to allow the re-development of the vacant office building for a restaurant use. The approval included a remodel of the existing building, as well as landscape improvements at the perimeter of the site and within the parking area.
- 1.2** The approved SCIP allowed a reduction in the building and landscape setbacks, landscape material quantities adjacent to Horne and Broadway Roads, and also allowed a reduced foundation base width around the building.
- 1.3** The existing site had been vacant for several months prior to the SCIP and the tenant will add landscape material adjacent to the street frontages, at the perimeter of the site and within the parking area. In addition, the existing non-conforming pole sign was removed and replaced with a conforming monument style sign. The applicant was also approved for the addition of a covered patio over the existing outdoor seating area, which they now wish to expand to be 7-feet closer to Broadway Road and 6.4-feet closer to the driveway entrance to the west. The exterior of the building has also been refinished and repainted.
- 1.4** The improvements with the added conditions of approval constitute the greatest degree of compliance with current development standards without requiring demolition of the existing building, the existing outdoor seating area or other significant improvements at the site.

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- 1.5** Deviations to current development standards were necessary to accommodate the redevelopment of this site with a viable use. The approved deviation allows the redevelopment of the site in a manner consistent with development at other sites throughout the city. The deviations with the conditions of approval at the subject property were necessary to accommodate the development. The deviations will result in a development compatible with and not detrimental to, adjacent properties or neighborhoods.

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There being no further business to come before the Zoning Administrator, the hearing adjourned at 1:10 p.m.

The cases for this hearing were digitally recorded and are available upon request.

Respectfully submitted,

Gordon Sheffield
Zoning Administrator/Hearing Officer

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